

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on June 30, 2022, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: June 30, 2022




ARTHUR I. HARRIS
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	Case No. 17-17361
)	
RICHARD M. OSBORNE,)	Chapter 7
)	
Debtor.)	Judge Arthur I. Harris

**ORDER GRANTING TRUSTEE'S FIRST MOTION FOR ENTRY OF ORDER (I)
AUTHORIZING AND APPROVING SALE OF EQUITY INTERESTS, (II) APPROVING
COMPETITIVE AND INTERACTIVE BIDDING PROCEDURES FOR THE SALE OF
EQUITY INTERESTS, AND (III) APPROVING FORM AND MANNER OF NOTICE**

Upon the motion (the “Motion”) dated May 31, 2022, filed by Kari B. Coniglio (the “Trustee”), the chapter 7 trustee for the bankruptcy estate of Richard M. Osborne (the “Debtor”), for entry of an order (i) authorizing and approving the sale of the property identified in Exhibit 3 to the Trustee’s Motion (collectively and individually, the “Equity Interests”) to the party or parties that submit the highest and best bid(s) in a competitive and interactive bidding process; (ii) approving the bidding and other procedures relating to the sale of the Equity Interests (collectively, the “Bidding Procedures”), and (iii) approving the form and notice of the Bidding Procedures (the “Bidding Procedures Notice”); and the Court has jurisdiction to consider the Motion and the relief

requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this case is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Motion appearing adequate and appropriate under the circumstances; and the Court having found that no other or further notice be provided; and it appearing that the relief requested herein is in the best interest of the Debtor's estate, his creditors, and other parties-in-interest; and the Court having determined the legal and factual base set forth in the Motion establish just cause for the relief granted herein; and there being no objections to the relief granted herein; and after due deliberation and sufficient cause appearing, it is hereby ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Trustee is authorized and approved to sell the Equity Interests to the party or parties that submit the highest and best bid(s) in a competitive and interactive bidding process subject to this Order and the Bidding Procedures.
3. The Bidding Procedures set forth in Exhibit 2 to the Motion are incorporated by reference in their entirety as if fully set forth at length herein, are approved in their entirety, and shall be effective and binding on all parties as if such Bidding Procedures were set forth in this Order.
4. The Trustee may adopt such other procedures that, in her reasonable judgment, will best promote the goal of a fair and competitive bidding process consistent with the Bidding Procedures, this Order, and any other applicable orders of the Court.
5. The Bidding Procedures Notice is approved and shall be served within five business days after entry of this Order or by July 8, 2022, whichever is later, unless extended by order of the Court.

6. The Trustee shall conduct the competitive and interactive bidding process in accordance with the terms and conditions of the Bidding Procedures.

7. Any sale of any of the Equity Interests shall be made on the same or substantially similar terms to those set forth in the Purchase Agreement, attached as Exhibit 4 to the Motion.

8. The Winning Bidder¹ for each of the Equity Interests shall be deemed a good faith purchaser under 11 U.S.C. § 363(m).

9. No later than thirty (30) days after any sale closes, the Trustee will file a sale report for such sale with the Court identifying, at a minimum, the Winning Bidder, the Sale Proceeds, an accounting of the Sale Proceeds, and any other information required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules, or any order of this Court.

10. The Trustee shall hold all Sale Proceeds for distribution in accordance with further order(s) of this Court.

11. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation and/or interpretation of this Order.

IT IS SO ORDERED.

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¹ Unless otherwise defined herein, capitalized terms shall have the same meaning as in the Motion.

Respectfully submitted,

/s/ Marcel C. Duhamel

Marcel C. Duhamel (0062171)

Elia O. Woyt (0074109)

Matthew D. Fazekas (0099693)

VORYS, SATER, SEYMOUR AND PEASE LLP

200 Public Square, Suite 1400

Cleveland, Ohio 44114

(216) 479-6100

(216) 479-6060 (facsimile)

mcduhamel@vorys.com

eowoyt@vorys.com

mdfazekas@vorys.com

Counsel to the Trustee

Copies sent via electronic mail and regular U.S. mail on the attached service list:

SERVICE LIST

By electronic mail:

- Patrick R. Akers prakers@vorys.com
- Gregory P. Amend gamend@bdblaw.com, grichards@bdblaw.com
- Alison L. Archer alison.archer@ohioattorneygeneral.gov, Trish.Lazich@ohioattorneygeneral.gov;angelique.dennis-noland@ohioattorneygeneral.gov
- Richard M. Bain rbain@meyersroman.com, mnnowak@meyersroman.com;jray@meyersroman.com
- Adam S. Baker abakerlaw@sbcglobal.net, adam@bakerlaw.us;abakerlaw@gmail.com
- Austin B. Barnes abarnes@sandhu-law.com, bk1notice@sandhu-law.com
- Robert D. Barr rbarr@koehler.law, syackly@koehler.law
- Jeffrey W. Biesczak jwbiesczak@vorys.com
- David T. Brady DBrady@Sandhu-Law.com, bk1notice@sandhu-law.com
- Carrie M. Brosius cmbrosius@vorys.com, mdwalkuski@vorys.com
- Kari B. Coniglio kbconiglio@vorys.com, mdwalkuski@vorys.com;kbc@trustesolutions.net;jncash2@vorys.com
- LeAnn E. Covey bknotice@clunkhoose.com
- Richard W. DiBella rdibella@dgmblaw.com
- Melody A. Dugic mgazda@hendersoncovington.com
- Marcel C. Duhamel mcduhamel@vorys.com, mdwalkuski@vorys.com
- Douglas M. Eppler deppler@walterhav.com
- Bryan J. Farkas bjfarkas@vorys.com, bjfarkas@vorys.com;caujczo@vorys.com;mdwalkuski@vorys.com
- Matthew D. Fazekas mdfazekas@vorys.com
- Scott D. Fink ecfndoh@weltman.com
- Glenn E. Forbes bankruptcy@geflaw.net, gforbes@geflaw.net;r45233@notify.bestcase.com
- Stephen R. Franks amps@manleydeas.com
- Stephen John Futterer sjfutterer@sbcglobal.net, r43087@notify.bestcase.com
- Marc P. Gertz mpgertz@gertzrosen.com, dmichna@gertzrosen.com
- Michael R. Hamed mhamed@kushnerhamed.com, kgross@kushnerhamed.com
- Heather E. Heberlein hheberlein@porterwright.com, mvitou@porterwright.com
- Dennis J. Kaselak dkaselak@peteribold.com, Cynthia@peteribold.com
- Christopher J. Klym bk@hhkwlaw.com
- Jerry R. Krzys jkrzys@hendersoncovington.com, jerrykrzys@gmail.com
- Scott B. Lepene scott.lepene@thompsonhine.com, Christine.Broz@thompsonhine.com;ECFDocket@thompsonhine.com
- Jeffrey M. Levinson jml@jml-legal.com
- Matthew H. Matheney mmatheney@porterwright.com, cpeskar@porterwright.com
- Shannon M. McCormick bankruptcy@kamancus.com
- Michael J. Moran mike@gibsonmoran.com, moranecf@gmail.com;r55982@notify.bestcase.com
- Heather L. Moseman heather@mosemanlaw.com
- Kelly Neal kelly.neal@bipc.com, donna.curcio@bipc.com

- David M. Neumann dneumann@meyersroman.com, jray@meyersroman.com;mnnowak@meyersroman.com
- Timothy P. Palmer timothy.palmer@bipc.com, donna.curcio@bipc.com
- Drew T. Parobek dtparobek@vorys.com, mdwalkuski@vorys.com
- Tricia L. Pycraft tpycraft@ccj.com, bowman@ccj.com
- Kirk W. Roessler kroessler@walterhav.com, kballa@walterhav.com;slasalvia@walterhav.com;deppler@walterhav.com
- John J. Rutter jrutter@ralaw.com
- Frederic P. Schwieg fschwieg@schwieglaw.com
- Michael J. Sikora msikora@sikoralaw.com, aarasmith@sikoralaw.com
- Nathaniel R. Sinn nsinn@porterwright.com, cipeskar@porterwright.com
- Robin L. Stanley rstanley@peteribold.com, Sonya@peteribold.com;Cynthia@peteribold.com;5478@notices.nextchapterbk.com
- Rachel L. Steinlage rsteinlage@meyersroman.com, jray@meyersroman.com;mnnowak@meyersroman.com;rbain@meyersroman.com
- Richard J. Thomas rthomas@hendersoncovington.com, mgazda@hendersoncovington.com
- Stephen G. Thomas steve@sgtlaw.net, kim@sgtlaw.net
- Andrew M. Tomko atomko@sandhu-law.com, bk1notice@sandhu-law.com
- Jeffrey C. Toole jtoole@bernsteinlaw.com, lyoung@bernsteinlaw.com
- United States Trustee (Registered address)@usdoj.gov
- Michael S. Tucker mtucker@ulmer.com
- Phyllis A. Ulrich bankruptcy@carlisle-law.com, bankruptcy@carlisle-law.com
- Leslie E. Wargo Leslie@Wargo-Law.com
- Karey Werner kewerner@vorys.com
- Elia O. Woyt eowoyt@vorys.com, eowoyt@vorys.com;mdwalkuski@vorys.com
- Maria D. Giannirakis ust06 maria.d.giannirakis@usdoj.gov
- Scott R. Belhorn ust35 Scott.R.Belhorn@usdoj.gov

And on the following by regular U.S. Mail:

Richard M. Osborne, Jr.
7050 Jackson St.
Mentor, OH 44060

Omar Kanaan
158 Rainbow Drive, Suite 5829
Livingston, TX 77399

Angel Macatigos
158 Rainbow Drive, Suite 5829
Livingston, TX 77399

Donald R. Whiteman
11440 Robin Wood Lane
Chagrin Falls, OH 44023

Wuliger & Wuliger, LLC
c/o Amy A. Wuliger-Knee
2003 St. Clair Ave.
Cleveland, OH 44114

OsAir, Inc.
c/o Eric Silver, Receiver
3659 South Green Road, Suite 100
Beachwood, Ohio 44122

Chris Provost
2700 Via Fortuna
Austin, TX 78746

Legacy Ridge PA LLC
c/o Corporation Service Company
50 West Broad Street, Suite 1330
Columbus, OH 43215

Evan T. Byron
29525 Chagrin Blvd, Suite 250
Pepper Pike, Ohio 44122

Erik L. Walter
60 South Park Place
Painesville, OH 44077

Erie Bank
c/o CNB Bank
One South Second Street
Clearfield, PA 16830

JTO Materials, LLC
c/o RAR Statutory Service Corp.
6685 Beta Drive
Cleveland, OH 44143

Kirk W. Roessler
950 Main Avenue
Suite 500
Cleveland, OH 44113

Brandon D.R. Dynes
1282 W. 58th Street
Cleveland, OH 44102